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**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LUCIA ESCOBAR, PTA

18650 Hatteras Street, #108

Tarzana, CA 91356

Physical Therapist License No. AT 1232

Respondent.

Case No. ID 2004-63972

OAH No.

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board).
2. On or about February 19, 1986, the Physical Therapy Board of California issued Physical Therapist License Number AT 1232 to Lucia Escobar, PTA (Respondent). The Physical Therapy Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

. . .

(h) Gross negligence in his or her practice as a physical therapist or physical therapy assistant.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

. . .

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.

. . . .

6. Section 2662 of the Code states:

Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

7. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to

1 exceed the actual and reasonable costs of the investigation and prosecution of the
2 case.

3 (b) The costs to be assessed shall be fixed by the administrative law judge
4 and shall not in any event be increased by the board. When the board does not
5 adopt a proposed decision and remands the case to an administrative law judge,
6 the administrative law judge shall not increase the amount of the assessed costs
7 specified in the proposed decision.

8 (c) When the payment directed in an order for payment of costs is not
9 made by the licensee, the board may enforce the order of payment by bringing an
10 action in any appropriate court. This right of enforcement shall be in addition to
11 any other rights the board may have as to any licensee directed to pay costs.

12 (d) In any judicial action for the recovery of costs, proof of the board's
13 decision shall be conclusive proof of the validity of the order of payment and the
14 terms for payment.

15 (e) (1) Except as provided in paragraph (2), the board shall not renew or
16 reinstate the license or approval of any person who has failed to pay all of the
17 costs ordered under this section.

18 (2) Notwithstanding paragraph (1), the board may, in its discretion,
19 conditionally renew or reinstate for a maximum of one year the license or
20 approval of any person who demonstrates financial hardship and who enters into a
21 formal agreement with the board to reimburse the board within that one year
22 period for those unpaid costs.

23 (f) All costs recovered under this section shall be deposited in the
24 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
25 costs are actually recovered or the previous fiscal year, as the board may direct.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 8. Respondent is subject to disciplinary action under section 2660,
4 subdivision (h), in that she committed gross negligence. The circumstances are as follows:

5 9. On or about On July 17, 2004, Respondent was responsible for giving
6 physical therapy to patients¹ C.B., A.B., M.C., F.L., F.R., L.U., M.V., and A.V. On this day,
7 Respondent was scheduled to work from 8:00 AM to 4:30 PM at White Memorial Medical
8 Center. However, due to a migraine headache, Respondent decided to see her patients on a group
9 basis, meaning two or three patients at a time, rather than on an individual basis, before she left
10 early for the day. Prior to leaving at 12:00 PM, Respondent submitted a billing sheet indicating
11 that she treated each of said patients on an individual, rather than a group basis, however.
12 Respondent admits she submitted documentation for billing purposes as if she provided
13 individual treatment for each patient in order to claim she had worked a full day. Additionally,
14 Respondent admits she was wrong to have done so.

15 SECOND CAUSE FOR DISCIPLINE

16 (Alteration of Medical Records)

17 10. Respondent is subject to disciplinary action under section 2262 in that she
18 altered medical records with fraudulent intent. The circumstances are as follows:

19 11. The facts and allegations in paragraph 9 are incorporated here as if fully
20 set forth.

21 THIRD CAUSE FOR DISCIPLINE

22 (Fraudulent, Dishonest or Corrupt Acts)

23 12. Respondent is subject to disciplinary action under section 2660,
24 subdivision (l) in that she committed fraudulent, dishonest or corrupt acts. The circumstances
25 are as follows:

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1. For privacy, the initials of the patients will be used in this pleading. Respondent will be provided with their identities upon requesting discovery.

13. The facts and allegations in paragraph 9 are incorporated here as if fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physical Therapist License Number AT 1232, issued to Lucia Escobar, PTA.

2. Ordering Lucia Escobar, PTA to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: February 10, 2006

Original Signed By: _____
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
State of California
Complainant

LA2005501024

Escobar, L. Accusation.wpd